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OFFICE OF PETITIONS

In re Application of
Debra Sue Caswell et al
Application No. 09/852,940
Filed: May 10, 2001
Attorney Docket No. 8082M

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 23, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed July 11, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 12, 2001.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1440 extension of time submitted with the petition on December 23, 2002 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (703) 306-5684.

The application file is being forwarded to the Initial Patent Examination Unit.


Irvin Dingle

Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy